

Attorney Docket: VT-2084CON

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 09/936,675

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office central fax number, Fax No. (703) 872-9306, on July 21, 2004.

Filing Date: 3/13/2002

Applicant: Barker

Group Art Unit: 1745



Michael D. Ross
Registration No. 45,057

Examiner: Chaney, C.

Title: LITHIUM-CONTAINING PHOSPHATE ACTIVE MATERIALS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with 37 C.F.R. §§1.56, 1.97(c) and 1.98, Applicant herewith submit an Information Disclosure Statement for consideration by the Examiner.

1. LIST OF PATENTS, PUBLICATION AND OTHER INFORMATION

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications, if any) are as set forth in the attached form PTO-1449.

2. COPIES

Submitted herewith is a legible copy of (i) each U.S. Patent Application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawings of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

Application No. 09/936,675

— Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

— This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

— A copy of an IDS submitted to the U.S. Patent Office using the ePAVE software

3. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

— A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

- See the attached foreign search report.
- English translations are provided for: See Form PTO-1449
- Other: English Abstracts Provided For. See Form PTO-1449

— The following additional information is provided for the Examiner's consideration.

4. CROSS REFERENCE TO RELATED APPLICATION(S)

— The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.

Filing Date

Art Unit

5. THIS IDS IS BEING FILED UNDER

37 C.F.R. § 1.97(b): (check only one box)

- Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d) (37 C.F.R. §1.97(B)(1)). No fee or certification is required.
- Within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or certification is required.
- Before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(B)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. §1.97(c) and see the certification under 37 C.F.R. §1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. §1.17(p).
- Before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. No fee or certification is required.

37 C.F.R. §1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution.

No certification: therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

See the certification below. No fee is required.

37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

6. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

- each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)).
- no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
- some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

7. PAYMENT OF FEES (check only one box)

- A check in the amount of \$180.00 is enclosed for the above-identified fee.
- Please charge Deposit Account No. 22-0100 in the amount of \$180.00 for the above-identified fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 22-0100.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. §1.1 ; or §1.17 to Deposit Account No. 22-0100.

Should anything further be required, the Examiner is respectfully requested to telephone the undersigned at 702-558-1071.

Respectfully submitted,

Dated: July 21, 2004
VALENCE TECHNOLOGY, INC.
301 Conestoga Way
Henderson, Nevada 89015
Telephone: 702-558-1000
Facsimile: 702-558-1310

By:


Michael Ross
Reg. No. 45,057

JMB 0651-0031

Form PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO.	SERIAL NO.
			VT-2084CON	09/936,675
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			APPLICANT	
			Barker	
Sheet Page 1 of 1			FILING DATE	GROUP
			3/13/02	1745

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	REF. NO.	DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	LOCATION WHERE RELEVANT PASSAGES OR FIGURES APPEAR
		US 5721070 B1	2/24/98	Shackie	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	REF. NO.	DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	LOCATION WHERE RELEVANT PASSAGES OR FIGURES APPEAR	T

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIALS	REF. NO.		

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; conformance and not considered. Include copy of this form with next communication to applicant.	